

TRAVIS L. MONTGOMERY,
Petitioner,
v.
RON BARNES, Warden,
Respondents.

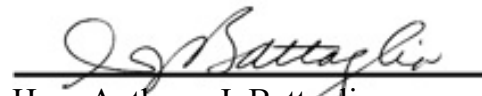
ORDER SUA SPONTE SUBSTITUTING RESPONDENT

Petitioner is currently confined at High Desert State Prison and has named Ron Barnes, Warden, as Respondent. According to the official California Department of Corrections and Rehabilitation (“CDCR”) website, McDonald is the Warden of High Desert State Prison, not Ron Barnes, as named by Petitioner. See Daniels-Hall v. Nat’l Educ. Ass’n., 629 F.3d 992, 998-99 (9th Cir. 2010) (taking judicial notice of information posted on government website, the accuracy of which was undisputed). A writ of habeas corpus acts upon the custodian of the state prisoner. See 28 U.S.C. § 2242; Rule 2(a), 28 U.S.C. foll. § 2254. Because the possibility exists that the Warden of High Desert State Prison has changed since Petitioner submitted his Petition and the information on the CDCR website reflects that change, and because under a liberal construction of the petition it appears Petitioner has named the Warden by his or her official title, and in order to conform with the requirements of Rule 2(a) of the Rules Governing § 2254 Cases and avoid changing the Respondent again if Petitioner is transferred to another prison or paroled,

1 the Court hereby sua sponte **ORDERS** the substitution of Matthew Cate, Secretary of the
2 California Department of Corrections and Rehabilitation, as Respondent in place of “Ron
3 Barnes.” See Ortiz-Sandoval v. Gomez, 81 F.3d 891, 894 (9th Cir. 1996) (stating that the
4 respondent in § 2254 proceedings may be the chief officer in charge of state penal institutions);
5 Fed.R.Civ.P.25(d). The Clerk of the Court shall modify the docket to reflect “Matthew Cate,
6 Secretary” as respondent in place of “Ron Barnes.”

7 **IT IS SO ORDERED.**

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9 DATED: April 16, 2012

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11 Hon. Anthony J. Battaglia
U.S. District Judge